

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4443 of 1983

Date of decision:20-8-96

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India,1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SATYANARAYAN RAMLAKMAN SHARMA

Versus

DIRECTOR GENERAL OF POLICE & INSPECTOR GENERAL OF POLICE

Appearance:

MR PM RAVAL for Petitioner
Nigam Shukla for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 20/08/96

ORAL JUDGEMENT

The petitioner has filed this special civil application claiming promotion from the year in which his junior Mr. A.J. Bhatt was promoted. The counsel for the petitioner admits that the petitioner's junior was promoted in the month of July 1975. The petitioner was promoted to the post of police inspector under order dated 4-12-1980. Challenge has been made by this special civil application in the year 1983 to the non-promotion of the petitioner in the year 1975.

2. Learned counsel for the petitioner submitted that he filed representation in the year 1982. He has stated that he had come to know about the promotion of his juniors in the year 1982 when received the gradation list. It is difficult to believe this statement. Be that as it may. Otherwise also the letter dated 4-11-1982 is very clear and the reason has been given not to give promotion to the petitioner when he was not found suitable for the same by the Departmental Promotion Committee. It is not the case of the petitioner that his case was not considered. His case was considered for promotion and in case the D.P.C. did not found him suitable, then the petitioner cannot make any grievance. The junior who has been promoted has also not been impleaded as party in the petition. In case the claim of the petitioner is accepted, then he will become senior to the person who is not before this court. Not only that there are many other juniors who are also likely to be affected in case the petitioner's claim for promotion from back date is accepted. Those persons were necessary parties, but they have not been impleaded in this petition. This court will not sit as appellate authority over the decision of the Departmental Promotion Committee particularly when there is no allegation of mala fide against any of the members of D.P.C. From the petition also it comes out that there were adverse remarks in the annual confidential report of the petitioner. Taking into consideration the totality of the facts of this case the petitioner has not made out any case for interference of this court.

3. In the result the special civil application fails and the same is dismissed. Rule discharged.

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